

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES**

April 20, 2006

Pursuant to notice given, the April meeting of the Idaho Real Estate Commission (Commission) was held in the Commission office at 633 N. Fourth Street, Boise, Idaho, on April 20, 2006, at 8:30 a.m.

Members Present:

Ron Clawson, Chair, Idaho Falls
Pam Trees, Vice Chair, Lewiston
Steve Kohntopp, Member, Twin Falls
Andy Enrico, Member, Boise
Comprising a quorum of the Commission.

Staff Present:

Donna M. Jones, Executive Director
Jennifer Bonilla, Admin. Asst.

Staff Present for a portion of the Meeting:

Charlie Hendrix, Fiscal Supervisor
Terry Ruettgers, Enforcement Chief
Rebecca deDomingo, Office Specialist-Licensing
Karen Seay, Education Director

Licensees Present for CE Credit

Denise Helford, Boise
Shawna Wilson, Burley

Others Present:

Kim Coster, Commission Counsel
Alex LaBeau, IAR® CEO, Boise
Mike Johnston, IAR® 2006 President

Call to Order: The meeting of the Commission was called to order by Chair Clawson at 8:30 a.m., Thursday, April 20, 2006.

Approval of Agenda: A motion was made by Ms. Trees, seconded by Mr. Enrico, to approve the agenda of the April 20, 2006 meeting. Motion carried.

Approval of Meeting Minutes: A motion was made by Ms. Trees, seconded by Mr. Enrico, to approve the March 16, 2006, meeting minutes, as written. Motion carried.

Salesperson and Broker Licenses Issued: Members reviewed the salesperson and broker licenses issued for the month of March 2006; a copy of which has been made part of these minutes. A motion was made by Mr. Kohntopp, and seconded by Mr. Enrico, to ratify the salesperson and broker licenses issued for the month of March 2006. Motion carried.

Financial Reports: Ms. Hendrix joined the meeting and presented the March 2006 Financial Reports to Commission members for their review; copies of which are on file at the Commission office.

After review and discussion, a motion was made by Mr. Kohntopp, and seconded by Mr. Enrico, to approve the March 2006, Financial Reports. Motion carried.

Review of Fees and Revenue for Reduction: Members discussed the staff's recommendation of fees and revenue that may be reduced. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to review and look into ways to reduce fees. Motion carried.

A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to lower license fees by another \$20.00, effective July 1, 2006. Motion carried.

Idaho Association of Realtors® Report: Mr. Mike Johnston, IAR® 2006 President, and Mr. Alex LaBeau, IAR® CEO, were welcomed to the meeting.

- Mr. Johnston reported that the EPA is in North Idaho to speak about concerns about lead based paint and the clean up.
- Mr. Johnston thanked Mr. Clawson for his presentation last week at the IAR® Board of Members meeting.
- Mr. LaBeau & Mr. Johnson announced that the IAR® is in the process of buying a new building, in the BoDo area, which is approximately 8,000 sq. ft and in an excellent visible location for their office and real estate school.
- The IAR® and Montana Association of Realtors® are no longer going to hold joint annual conventions after the Sun Valley meeting in 2007.
- Tenant in Common issue- IAR® is looking at drafting legislation and may use the Utah legislation as a model.

Enforcement: Mr. Ruetters was welcomed to the meeting.

Case of Staff vs. David W. Heath, individually, and doing business as Highline Property Management, Inc. (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by David W. Heath and that the "Final Order" for disciplinary actions against Mr. Heath be as follows:

1) That David W. Heath pay a civil fine in the amount of Five Thousand Dollars (\$5,000.00) with the service of this executed stipulation, and that Mr. Heath, dba/Highline property Management, Inc. pay a civil fine of Five Thousand Dollars (\$5,000.00) with the service of this executed stipulation.

2) That David W. Heath pay the cost and attorney's fees incurred in the investigation/prosecution no to exceed One Thousand Seven Hundred Sixty-two Dollars and Fifty Cents (\$1,762.50) by no later than May 26, 2006.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Gregory P. Storrs (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Gregory P. Storrs and that the "Final Order" for disciplinary actions against Mr. Storrs be as follows:

1) That Gregory P. Storrs shall be issued a formal reprimand.

2) That Gregory P. Storrs pay a civil fine in the amount of Five Thousand Dollars (\$5,000.00) in monthly payments of not less than Three Hundred Fifty Dollars (\$350.00) beginning June 26, 2006 and each month thereafter until paid in full, all as set forth in the terms of the Promissory Note.

3) That Gregory P. Storrs pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by no later than May 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Robert C. Goodwin (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Robert C. Goodwin and that the "Final Order" for disciplinary actions against Mr. Goodwin be as follows:

- 1) That Robert C. Goodwin shall be issued a formal reprimand.
- 2) That Robert C. Goodwin pay a civil fine in the amount One Thousand Dollars (\$1,000.00) by no later than May 26, 2006.
- 3) That Robert C. Goodwin successfully complete a live Contracts course and a live Real Estate Law course by no later than October 26, 2006.
- 4) That Robert C. Goodwin pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by no later than May 26, 2006.
- 5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Michelle D. MacMillan (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Michelle D. MacMillan and that the "Final Order" for disciplinary actions against Ms. MacMillan be as follows:

- 1) That Michelle D. MacMillan shall be issued a formal reprimand.
- 2) That Michelle D. MacMillan pay a civil fine in the amount One Thousand Dollars (\$1,000.00) by May 26, 2006.
- 3) That Michelle D. MacMillan successfully complete a live Business Conduct and Office Operations course by October 26, 2006.
- 4) That Michelle D. MacMillan pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by May 26, 2006.

5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Lindsey M. Hopkins (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Lindsey M. Hopkins and that the "Final Order" for disciplinary actions against Ms. Hopkins be as follows:

- 1) That Lindsey M. Hopkins shall be issued a formal reprimand.
- 2) That Lindsey M. Hopkins pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by May 26, 2006.
- 3) That Lindsey M. Hopkins pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by May 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. David R. Black (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by David R. Black and that the "Final Order" for disciplinary actions against Mr. Black be as follows:

- 1) That David R. Black shall be issued a formal reprimand.
- 2) That David R. Black pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by no later than May 26, 2006.
- 3) That David R. Black pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by no later than May 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Russell D. Garland (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Russell D. Garland and that the "Final Order" for disciplinary actions against Mr. Garland be as follows:

- 1) That Russell D. Garland shall be issued a formal reprimand.
- 2) That Russell D. Garland pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by May 26, 2006.
- 3) That Russell D. Garland pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by May 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Charlene Wyman (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Charlene Wyman and that the "Final Order" for disciplinary actions against Ms. Wyman be as follows:

- 1) That Charlene Wyman shall be issued a formal reprimand.
- 2) That Charlene Wyman pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by May 26, 2006.
- 3) That Charlene Wyman pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by May 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Kathleen A. Wells (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Kathleen A. Wells and that the "Final Order" for disciplinary actions against Ms. Wells be as follows:

- 1) That Kathleen A. Wells shall be issued a formal reprimand.

2) That Kathleen A. Wells pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by May 26, 2006.

3) That Kathleen A. Wells pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by May 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Lawrence C. Wester (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Lawrence C. Wester and that the "Final Order" for disciplinary actions against Mr. Wester be as follows:

1) That Lawrence C. Wester shall be issued a formal reprimand.

2) That Lawrence C. Wester pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by no later than May 26, 2006.

3) That Lawrence C. Wester pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by no later than May 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Thomas A. Meyers (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Thomas A. Meyers and that the "Final Order" for disciplinary actions against Mr. Meyers be as follows:

1) That Thomas A. Meyers shall be issued a formal reprimand.

2) That Thomas A. Meyers pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) by May 26, 2006.

3) That Thomas A. Meyers pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by May 26, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Christine D. Morford (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Christine D. Morford and that the "Final Order" for disciplinary actions against Ms. Morford be as follows:

- 1) That Christine D. Morford shall be issued a formal reprimand.
- 2) That Christine D. Morford pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) in monthly payments of not less than Two Hundred Fifty Dollars (\$250.00) beginning May 26, 2006 and each month thereafter until paid in full.
- 3) That Christine D. Morford pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by no later than May 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Yo Saithavy (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Yo Saithavy and that the "Final Order" for disciplinary actions against Mr. Saithavy be as follows:

- 1) That Yo Saithavy shall be issued a formal reprimand.
- 2) That Yo Saithavy pay a civil fine in the amount of Five Hundred Dollars (\$500.00) on or before July 27, 2006.
- 3) That Yo Saithavy pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) on or before July 27, 2006, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Thomas J. Barnhart (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Thomas J. Barnhart and that the "Final Order" for disciplinary actions against Mr. Barnhart be as follows:

- 1) That Thomas J. Barnhart shall be issued a formal reprimand.
- 2) That Thomas J. Barnhart pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by May 26, 2006.
- 3) That Thomas J. Barnhart pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by May 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Karmen L. Horkley (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Karmen L. Horkley and that the "Final Order" for disciplinary actions against Ms. Horkley be as follows:

- 1) That Karmen L. Horkley shall be issued a formal reprimand.
- 2) That Karmen L. Horkley pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by May 26, 2006.
- 3) That Karmen L. Horkley pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by May 26, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Mr. Ruettgers provided the following reports for members' review; copies of which are on file at the Commission office.

- **Complaint Summary Report:** Mr. Ruettgers presented the Complaint Summary Report.

- Mr. Ruettgers reported on the future of stipulations that are presented without the facts.

A motion was made by Ms. Trees, seconded by Mr. Kohntopp to reimburse Mr. Clawson's expenses for attending the IAR Board of Directors meeting April 12, 2006. Motion carried.

Education and Examination: Ms. Seay was welcomed to the meeting and presented the following reports; copies of which are on file at the Commission office:

- **Item Writing Workshop:** Ms. Seay reported on the success of the Item Writing Workshop.
- **Education Council/Task Force:** There was some frustration expressed about the Education Task Force. A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to direct the Education Council to develop a post license course of up to 20 hours with an emphasis on forms, negotiations and contract law for review by the July 2006 Commission meeting. Motion carried.
- **IDW:** Members reviewed the material for the IDW.
- **REEA Conference:** Education Council recommended sending two people, Ms. Seay and one (1) Council Member, to the REEA Conference July 11-14, 2006 in Las Vegas, NV. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to send two people, Ms. Seay and one (1) Council Member, to the REEA Conference July 11-14, 2006 in Las Vegas NV. Motion carried.
- **Interactive Video Conferencing:** a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to allow North Idaho College to present courses via the Interactive Video Conferencing delivery method to include a final exam and to include in the 2007 legislative proposal an amendment to treat courses delivered via interactive video conferencing as "live" courses. Motion carried.
- **School Audits:** Mr. Enrico informed Ms. Seay of a complaint from school about the Commission's policy permitting a Council member, who is also a provider, to audit other providers with whom he competes for business. The complainant's concern was the safeguarding of proprietary information. Members directed the Education Council that any Council Member who is also a provider not be conduct course audits; and that if there is no local non-competing Council member, the local Commission Member or the Education Director will conduct course audits.
- **Social Security Numbers:** Concerns with identity theft. Members directed that staff continue to look into ways to prevent the dissemination of social security numbers by providers.
- **Instructor's only page:** Ms. Seay reported she spoke with Ms. Marshall regarding this; however it would ultimately be an Access Idaho project.
- **License Examination Statistics**

Licensure:

Ms. deDomingo was welcomed to the meeting.

Licensee Status Reports: Members reviewed the licensee status reports; copies of which are on file at the Commission office:

- FY05-FY06 Analysis of Active & Inactive License Base: numbers are still increasing
- On-Line Renewal Reports:

Executive Session: In accordance with section 67-2345 (1) (d) & (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn to executive session to review special request licensure files. Motion carried.

Regular Session: There being no further purpose for an executive session, a motion was made by Mr. Enrico, seconded by Ms. Trees, to adjourn the executive session. Motion carried.

Special Considerations:

Special Consideration #06-014: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to grant the request for felony exemption. Motion carried.

Special Consideration #06-015: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to grant the request for felony exemption. Motion carried.

Special Consideration #06-016: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Enrico, to deny the request for felony exemption. Motion carried.

Special Consideration #06-017: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to grant the request for felony exemption. Motion carried.

Special Consideration #06-018: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Kohntopp, to deny the request for felony exemption. Motion carried.

Special Consideration #06-019: Request to Waive 54-2012(2) (a), Broker Experience. Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to grant the request for special consideration if licensed in Idaho with a Limited Broker. Motion carried.

Special Consideration #06-020: Request to Waive 54-2012(2) (a), Broker Experience. Following discussion and review of the documents submitted, a motion was made by Mr. Enrico, seconded by Ms. Trees, to grant the request for special consideration with Limited Broker. Motion carried.

Special Consideration #06-021: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to grant the request for special consideration. Motion carried.

Executive Director's Report:

Building Purchase/Lease Update: Members reviewed Mr. Isensee's response to the lease renewal and directed staff to proceed with the lease, with the suggestion that the concrete in the front of the building is in poor repair, and that the landlord be asked to repair some of the areas that could be a hazard.

Members also directed staff to again visit with the new Governor as soon as possible regarding the building purchase, as they would like to have this a part of the legislative proposal for the 2007 Legislative session.

ARELLO Annual Meeting, September 24-27, 2006: a motion was made by Mr. Enrico, seconded by Ms. Trees, to send four (4) Commissioners and two (2) staff members to the ARELLO Annual Meeting, September 24-27, 2006 in San Antonio, TX. Motion carried.

Letter from Andrea Hansen: Commissioners reviewed Ms. Hansen's letter which expressed gratitude to the Enforcement Department for their professionalism and concurred with her.

Jeff Walker-Access Idaho E-mail: Commissioners reviewed Mr. Walker's email and expressed their gratitude to him for his recognition of the difficulty of the IREC staff in maintaining customer service.

Commission's Counsel Report:

Tenants In Common Legislation: Ms. Coster reported on the State of Utah's recently passed legislation regarding Tenant in Common, Utah Senate Bill 64, passed in 2005. This legislative change amends state securities laws to remove certain real estate related transactions (TIC's) from the definition of "securities" and allow real estate licensees to conduct these transactions. Ms. Coster will follow up with Utah's Commissioner to determine how this new law has fared in that state.

Online License Renewal Lottery Drawing: March winner: Jill Claudine Smith, SP29699, a salesperson with Century 21 Beutler and Associates in Coeur d'Alene.

Executive Session: In accordance with section 67-2345 (1) (d) & (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn to executive session to review special request licensure files. Motion carried.

Regular Session: There being no further purpose for an executive session, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to adjourn the executive session. Motion carried.

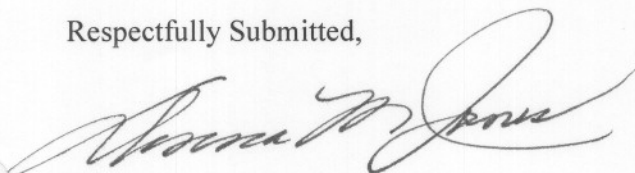
Probable Cause Memo #05-033300, 05-033301: A motion was made by Ms. Trees, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo #06-02100, 06-02101: A motion was made by Mr. Kohntopp, seconded by Ms. Trees, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

A motion was made by Mr. Kohntopp, seconded by Ms. Trees, to make reservations for IAR convention in Jackson Hole, WY for three (3) Commissioners and two (2) staff. Motion carried.

There being no further business, Chair Clawson adjourned the meeting at 1:00 p.m.

Respectfully Submitted,




Donna M. Jones
Executive Director

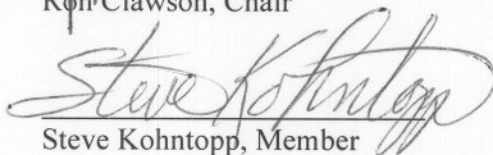
Dmj: jdb

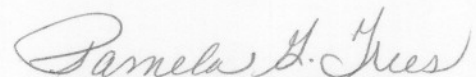
Attachments: Licenses Issued March 2006
Financial Reports
FY05-FY06 License Base Analysis
Online License Renewal Reports
Complaint Summary Report

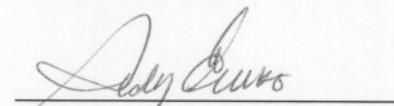
"Final Order" – David W. Heath
"Final Order" – Gregory P. Storrs
"Final Order" – Robert C. Goodwin
"Final Order" – Michelle D. MacMillan
"Final Order" – Lindsey M. Hopkins
"Final Order" – David R. Black
"Final Order" – Russell D. Garland
"Final Order" – Charlene Wyman
"Final Order" – Kathleen A. Wells
"Final Order" – Lawrence C. Wester
"Final Order" – Thomas A. Meyers
"Final Order" – Christine D. Morford
"Final Order" – Yo Saithavy
"Final Order" – Thomas J. Barnhart
"Final Order" – Karmen L. Horkley

Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho on April 20, 2006, are hereby approved.



Ron Clawson, Chair

Steve Kohntopp, Member

Pamela G. Trees, Vice Chair

Andy Enrico, Member